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 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF  
 SANTA ANA  
 BY 

KAMALEDDIN ABDOLRAHIMI  
 MARY VOSOUGHI  
 7153 AVIARA DRIVE  
 CARLSBAD, CA 92011  
 Tel: (909) 709-8889

Pro se Defendants

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

JAMES RUTHERFORD

Plaintiff,

vs.

Paco's Tacos, a business of unknown  
 form; Kamaledin Abdolrahimi and  
 Mary Vosoughi, as individuals and as  
 husband and wife as joint tenants, a  
 California limited liability company  
 Defendants.

CASE NO. 5:18-CV-02037-AB-SP

DEFENDANT'S ANSWER TO  
 COMPLAINT, AFFIRMATIVE  
 DEFENSES, PRAYER FOR RELIEF,  
 AND DEMAND FOR JURY TRIAL;  
 COUNTERCLAIM FOR  
 DECLARATORY RELIEF,  
 INJUNCTION AND DAMAGES  
 PURSUANT TO THE RACKETEER  
 INFLUENCED AND CORRUPT  
 PRACTICES ACT

18 U.S.C. §§ 1962 (c) and (d), 1964 (a)  
 and (c), 1341 and 1343

**ANSWER**

Pro se Defendants hereby answer the Complaint of Plaintiff (the "Complaint").

**I. SUMMARY**

1. Defendants admit that Paco's Tacos is located at 1689 Kendall Drive, Suite I, San Bernardino,  
 CA 92407. The remaining allegations in the complaint state a legal conclusion to which no

DEFENDANT'S ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES, PRAYER FOR RELIEF, AND  
 DEMAND FOR JURY TRIAL; COUNTERCLAIM FOR DECLARATORY RELIEF, INJUNCTION AND  
 DAMAGES PURSUANT TO THE RACKETEER INFLUENCED AND CORRUPT PRACTICES ACT

1 response is required. To the extent a response is required to the remaining allegations, Defendant  
2 denies them.

3 2. Defendants (Kamaleddin Abdolrahimi and Mary Vosoughi), admit that, as individuals, they own  
4 the Property located at 1689 Kendall Dr. San Bernardino, CA 92407 ("Property") currently.

5 3. Defendants deny that they own the Property as a California limited liability company, or  
6 organization or entity.

7  
8 4. Defendants deny that Plaintiff is entitled to damages, injunctive and declaratory relief, attorney  
9 fees and costs. To the extent that Plaintiff states a legal conclusion in the complaint, no response is  
10 required. The remaining allegations are denied.

## 11 II. FACTS

12  
13 5. Defendants admit that the Property is open to the public and operated for commercial purpose,  
14 and not intended for residential use. To the extent a response is required to the remaining  
15 allegations, Defendant denies them.

16 6. Defendants argues that Plaintiff's claims that the Property was designed in violation of the ADA  
17 or Title 24 are barred because the Property was designed and constructed in 1989, which is prior to  
18 the effective date of the ADA, Title 24, or their regulations or California Civil Code Sections 51  
19 and 54, et. seq.

20  
21 7. Defendants are informed and believe, and thereon allege, that Plaintiff has used the Americans  
22 with Disabilities Act, Title III ("ADA") to institute actions based on false allegations of disability,  
23 injury, and standing to collect quick settlements from California businesses and citizens.

24  
25 8. Defendants are informed and believe, and thereon allege that Plaintiff has perverted the ADA to  
26 make money at the expense of California businesses and citizens, most of whom are small business  
27 owners and immigrants to this country and cannot afford legal representation.

1 9. Defendants are informed and believe, and thereon allege that for most businesses and business  
2 owners sued by Plaintiff, it is cheaper to settle than to litigate the merits of the action.

3 10. Defendants are informed and believe, and thereon allege that knowing the propensity of small  
4 “mom-and-pop” establishments to settle cases early to avoid distraction to their business and  
5 costly litigation, Plaintiff has perverted the purpose of the ADA and related state laws for his own  
6 greed and financial gain.

7  
8 11. Defendants are informed and believe, and thereon allege that the Plaintiff visited the Property  
9 for the sole purpose to initiate this lawsuit for his own greed and financial gain.

10 12. Defendants are informed and believe, and thereon allege that the Plaintiff additionally sued the  
11 Quality Inn Hotel in Temecula, California, which is over 50 miles apart from the Property, and on  
12 the same date he filed this lawsuit against us. That case number is: 5:18-cv-02040-FMO-SP.

13  
14 13. Defendants are informed and believe, and thereon allege that the Plaintiff and his wife, Mary  
15 Rutherford, are residents of Howell, Michigan, and have filed numerous similar lawsuits across the  
16 country, including against the city of Howell, Michigan, and have made false assertions regarding  
17 allegations of disabilities, visits to establishments, encounter of barriers, and showing no intent to  
18 return.

19  
20 14. Defendants are informed and believe, and thereon allege that the Plaintiff still retains Michigan  
21 residency and has a Michigan Driver's License.

22 15. Defendants are informed and believe, and thereon allege that the lawsuits initiated by the  
23 Plaintiff are frivolous and vexatious because of false assertions regarding allegations of disabilities,  
24 visits to establishments, encounter of barriers, and intent to return.

25  
26  
27 **AFFIRMATIVE DEFENSES**

1 Further answering the Complaint, Defendant pleads the following affirmative defenses.

2 **AFFIRMATIVE DEFENSE NO. 1**

3 **Service of Summons and Complaint Was Not Correct As Required By Law**

4 16. I did not receive a copy of the summons or complaint.

5  
6 **Failure to State a Claim**

7 17. The Complaint and each and every claim therein fails to state a claim against Defendant upon  
8 which relief can be granted.

9  
10 **AFFIRMATIVE DEFENSE NO. 2**

11 **Failure to State Sufficient Facts**

12 18. The Complaint and each and every claim therein fails to state facts sufficient to constitute a  
13 claim for relief against Defendant.

14 **AFFIRMATIVE DEFENSE NO. 3**

15 **Lack of Standing**

16  
17 19. Plaintiff lacks standing to sue for each cause of action in the Complaint.

18 **AFFIRMATIVE DEFENSE NO. 4**

19 **Waiver**

20 20. The Complaint and each and every claim therein is barred by the doctrine of waiver.

21 **AFFIRMATIVE DEFENSE NO. 5**

22 **Unclean Hands**

23  
24 21. Plaintiff has unclean hands in that he did not complain at the time of his alleged visit to the  
25 restaurant for the supposed interference with his use and enjoyment of the premises and files this  
26 action only for the purpose obtaining statutory fines and attorney's fees.

27 **AFFIRMATIVE DEFENSE NO. 6**

28  
**DEFENDANT'S ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES, PRAYER FOR RELIEF, AND  
DEMAND FOR JURY TRIAL; COUNTERCLAIM FOR DECLARATORY RELIEF, INJUNCTION AND  
DAMAGES PURSUANT TO THE RACKETEER INFLUENCED AND CORRUPT PRACTICES ACT**

**Lack of Standing/Not a Bona Fide Patron**

22. Plaintiff lacks standing to challenge barriers in the restaurant or Property he did not visit prior to the filing of the initial Complaint.

**AFFIRMATIVE DEFENSE NO. 7**

**Lack of Standing/No Likelihood of Future Harm**

23. Plaintiff lacks standing because of his inability to show likelihood of future harm.

**AFFIRMATIVE DEFENSE NO. 8**

**Mootness**

24. Plaintiff's claims are moot in that all potential barriers have been or will be remedied.

**AFFIRMATIVE DEFENSE NO. 9**

**No Barriers to Use and Enjoyment**

25. Plaintiff did not encounter any barriers to access that unreasonably interfered with his use and enjoyment of the premises.

**AFFIRMATIVE DEFENSE NO. 10**

**Equivalent Facilities Provided**

26. Plaintiff's claims are barred because, with respect to any particular architectural element that departs from accessibility guidelines, Defendants have provided "equivalent facilitation" in the form of alternative designs and technologies that provide substantially equivalent or greater access to, and usability of, the facility.

**AFFIRMATIVE DEFENSE NO. 11**

**Safe Harbor for Pre-existing Buildings under the ADA, Title 24 and California Civil Code**

**Sections 51 and 54**

1 27. Plaintiff's claims that the restaurant was designed in violation of the ADA or Title 24 are barred  
2 to the extent the restaurant and Property was designed and constructed prior to the effective date of  
3 the ADA, Title 24, or their regulations or California Civil Code Sections 51 and 54, et. seq.

4 **AFFIRMATIVE DEFENSE NO. 12**

5 **Safe Harbor for Pre-existing Buildings under the Health and Safety Code Sections 19955 and**  
6  
7 **19956 et. seq.**

8 28. Plaintiff's claims that the restaurant and Property was designed in violation of the Health and  
9 Safety Code do not apply since the subject premises was constructed prior to the enactment of these  
10 statutes.

11 **AFFIRMATIVE DEFENSE NO. 13**

12 **Good Faith Performance**

13  
14 29. Defendant has made good faith efforts to comply with the ADA, the Unruh Act, and the  
15 California Disabled Persons Act, including providing appropriate alternative access.

16 **AFFIRMATIVE DEFENSE NO. 14**

17 **Equity**

18  
19 30. At all relevant times, Defendant did equity, and acted in good faith.

20 **AFFIRMATIVE DEFENSE NO. 15**

21 **Failure to Mitigate**

22 31. Plaintiff has failed to mitigate, limit, or avoid his damages, if any. Defendants are entitled to  
23 have sums to which Plaintiff may be entitled to, if any, reduced by the amount Plaintiff could  
24 reasonably have been able to mitigate, minimize, or avoid.

25 **AFFIRMATIVE DEFENSE NO. 16**

26 **Lack of Injury**

27  
28 **DEFENDANT'S ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES, PRAYER FOR RELIEF, AND  
DEMAND FOR JURY TRIAL; COUNTERCLAIM FOR DECLARATORY RELIEF, INJUNCTION AND  
DAMAGES PURSUANT TO THE RACKETEER INFLUENCED AND CORRUPT PRACTICES ACT**

1 32. Plaintiff has suffered no injury in fact.

2 **AFFIRMATIVE DEFENSE NO. 17**

3 **Reliance on Local Government Permits**

4 33. The Complaint and each cause of action alleged therein are barred by reason of Defendants'  
5 good faith reliance upon the permissible, reasonable interpretation of the applicable access codes  
6 by local government building authorities and the issuance of appropriate building permits and/or  
7 exemptions and/or waivers.

8 **AFFIRMATIVE DEFENSE NO. 18**

9 **Excessive Fines**

10 34. The imposition of statutory minimum damages in this matter would violate Defendants' Eighth  
11 Amendment protection against excessive fines in violation of the California Constitution and the  
12 United States Constitution.

13 **AFFIRMATIVE DEFENSE NO. 19**

14 **Unjust Enrichment**

15 35. Plaintiff's claims would result in Plaintiff receiving more value than to which he is entitled.

16 **AFFIRMATIVE DEFENSE NO. 20**

17 **Additional Defenses**

18 36. As a separate affirmative defense to each and every claim alleged against Defendants,  
19 Defendants presently have insufficient knowledge or information for which to form a belief as to  
20 whether it may have additional, as yet unstated, affirmative defenses available. Defendants reserve  
21 herein the right to assert additional defenses in the event that discovery indicates that they would be  
22 appropriate.

**DEFENDANTS' PRAYER FOR RELIEF**

1. That Plaintiff take nothing by way of the Complaint and each claim for relief therein;
2. That judgment be rendered in favor of Defendants and the Complaint be dismissed with prejudice;
3. That Defendants be awarded their costs of suit and attorney's fees in defense of this action; and
4. For such other and further relief as the Court deems fair and equitable.

**JURY DEMAND**

Defendants hereby demand a trial by jury as to each and every cause of action in the Complaint.

**COUNTERCLAIM**

1. Defendants (Kamaledin Abdolrahimi and Mary Vosoughi) hereby assert the following counterclaim against Plaintiff, Attorneys for the Plaintiff, (collectively referred to herein as "Attorneys for the Plaintiff"): Joseph R. Manning, Jr., Esq. (State Bar No. 223381); Michael J. Manning, Esq. (State Bar No. 286879); Craig G. Côté, Esq. (State Bar No. 132885); and Plaintiff Law Firm, Manning Law, APC (collectively referred to herein as "Plaintiffs").

**JURISDICTION AND VENUE**

2. The sole claim for relief in the Counterclaim arises under the Racketeering and Corrupt Practices Act, 18 U.S.C. §§ 1961 (1) (B), 1962 (c) and (d), 1964 (a) and (c), 1341 and 1343. This Court has original subject matter jurisdiction over these claims pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338.
3. The Court has personal jurisdiction over all Attorneys for the Plaintiff because: (a) Attorneys for the Plaintiff, Joseph R. Manning, Jr., Esq. (State Bar No. 223381); Michael J. Manning, Esq. (State



1 Bar No. 286879); Craig G. Côté, Esq., all reside and work in California and (b) Plaintiff's Law  
 2 Firm, Manning Law, APC, is located at 4667 MacArthur Blvd., Suite 150, Newport Beach, CA  
 3 92660, and is a registered California Professional Corporation.

4 4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because a substantial part  
 5 of the events or omissions giving rise to the claims asserted herein occurred or had effects in this  
 6 District and because Attorneys for the Plaintiff live and/or conduct business in this District.  
 7

### 8 PARTIES

9 5. Defendants are informed and believe, and thereon allege, that Plaintiff, Attorneys for the  
 10 Plaintiff and Plaintiff Law Firm is a California Professional Corporation which does business in  
 11 Newport Beach, CA at 4667 MacArthur Blvd. and which primarily, if not solely, is involved in  
 12 filing complaints alleging violations of the ADA and related state law claims. Defendants are  
 13 informed and believe, and thereon allege, that the majority of Plaintiff Manning Law Firm's ADA  
 14 filings have taken place in this judicial district.  
 15

### 16 GENERAL ALLEGATIONS

#### 17 The Conspiracy

18 6. Defendants are informed and believe, and thereon allege, that Plaintiff, all Attorneys for the  
 19 Plaintiff and Plaintiff Manning Law Firm named herein, including DOE Plaintiffs working for or  
 20 with Plaintiff Manning Law Firm have formed a criminal enterprise by using the Americans with  
 21 Disabilities Act, Title III ("ADA") to institute actions based on false allegations of disability,  
 22 injury, and standing to collect quick settlements from California businesses and citizens.  
 23

24 7. Defendants are informed and believe, and thereon allege that each member of the criminal  
 25 enterprise (as more fully described herein), helps to further the scheme to make money for all  
 26  
 27  
 28

1 involved in the conspiracy at the expense of California businesses and citizens, most of whom are  
2 small business owners and immigrants to this country and cannot afford legal representation.

3 8. Defendants are informed and believe, and thereon allege that for most businesses and business  
4 owners sued by Plaintiff, Attorneys for the Plaintiff and Plaintiff Manning Law Firm, it is cheaper  
5 to settle than to litigate the merits of the action.  
6

7 9. Defendants are informed and believe, and thereon allege that knowing the propensity of small  
8 “mom-and-pop” establishments to settle cases early to avoid distraction to their business and costly  
9 litigation, Plaintiff, Attorneys for the Plaintiff and Plaintiff Manning Law Firm have perverted the  
10 purpose of the ADA and related state laws for their own greed and financial gain. Defendants  
11 further are informed and believe, and thereon allege that, in fact, the evidence will show that most  
12 of the businesses sued by Plaintiff, Attorneys for the Plaintiff and Plaintiff Manning Law Firm have  
13 not undertaken any improvements to their facilities to become ADA compliant.  
14

15 10. Defendants are informed and believe, and thereon allege that the lawsuits initiated by the  
16 criminal enterprise lack merit, are frivolous and vexatious because of false assertions regarding  
17 allegations of disabilities, visits to establishments, encounter of barriers, and intent to return.  
18 Defendants are informed and believe, and thereon allege, without such false statements, Plaintiffs  
19 would be unable to prosecute any of the ADA cases they file because they would fail to plead  
20 standing sufficient to establish a right to a claim under the ADA and related state law.  
21

22 11. Directly as a result of the criminal enterprise, Plaintiffs, and each of them, have caused  
23 damages to defendants.  
24

25 12. Defendants are informed and believe, and thereon allege, that Plaintiffs have actively conspired,  
26 participated and joined in aiding and abetting a racketeering enterprise whose activities affect  
27 interstate commerce within the meaning of 18 U.S.C. §§ 1961 (1) (B), 1341 and 1343 (relating to  
28

1 mail and wire fraud) and by operating, managing or otherwise being actively involved by aiding  
2 and abetting in the enterprise through a pattern of racketeering activities in conspiring schemes  
3 designed to defraud the public, and principally to defraud Defendants, all in violation of 18 U.S.C.  
4 § 1962 (c) and (d).

### 5 6 **The Criminal Enterprise**

7 13. Plaintiffs Joseph R. Manning, Jr., Esq. (State Bar No. 223381); Michael J. Manning, Esq. (State  
8 Bar No. 286879); Craig G. Côté, Esq., and James Rutherford Lead the Criminal Enterprise.

9 14. Defendants are informed and believe, and thereon allege, that in or around 2009, Plaintiff  
10 Manning Law Firm, operated by Attorneys for Plaintiff, Plaintiffs Joseph R. Manning, Jr., Esq.  
11 (State Bar No. 223381); Michael J. Manning, Esq. (State Bar No. 286879); Craig G. Côté, Esq.,  
12 began suing California businesses and residents under the Americans with Disabilities Act and  
13 related state law for the purpose of extracting quick settlements.

14 15. Defendants are informed and believe, and thereon allege, that Plaintiff Manning Law Firm has  
15 been filing literally hundreds of disability related litigation including those on behalf of Plaintiff  
16 James Rutherford and others since approximately 2009.

17 16. Defendants are informed and believe, and thereon allege, that Plaintiffs prepare the majority of  
18 the pleadings (which contain falsities) to be filed in court, engage in telephonic and electronic  
19 meet-and-confer sessions with opposing counsel, prepare and submit false discovery responses, and  
20 prepare and submit correspondence containing falsities to defense counsel on behalf of the ADA  
21 clients of Plaintiff Manning Law Firm.

### 22 23 **The Fraudulent Scheme Involves the Filing of False ADA Claims**

1 17. Defendants are informed and believe, and thereon allege, that when the conspiracy first began  
2 in approximately 2009, Attorneys for the Plaintiff advise potential plaintiffs that they will be given  
3 a finder's fee for every complaint that they agree to appear as named plaintiffs.

4 18. Defendants are informed and believe, and thereon allege, that Attorneys for the Plaintiff advise  
5 would-be ADA plaintiffs that they need not worry about actually experiencing any difficulty,  
6 discomfort or embarrassment at the establishments to be sued. Defendants are informed and  
7 believe, and thereon allege, that Attorneys for the Plaintiff tell would-be ADA plaintiffs that  
8 investigators working for Plaintiff Manning Law Firm will find violations at the business  
9 establishments to be sued.  
10

11 19. Defendants are informed and believe, and thereon allege, that Attorneys for the Plaintiff visit  
12 the establishments to be sued prior to filing of a complaint to covertly gather information to be used  
13 in supplementing the ADA complaint (to be filed on behalf of a would-be ADA plaintiff) to include  
14 violations of the ADA that allegedly caused the would-be ADA plaintiff difficulty, discomfort, or  
15 embarrassment, even though such "difficulty, discomfort, or embarrassment" never occurred and  
16 was never experienced by the named ADA plaintiff.  
17

18 20. Defendants are informed and believe, and thereon allege, that the Plaintiffs receive the  
19 information from the undercover investigation contained above and, based on such information,  
20 prepare the ADA complaints to be filed in federal court.  
21

22 21. Defendants are informed and believe, and thereon allege, that Attorneys for the Plaintiff have  
23 full knowledge that the allegations referring to the ADA plaintiff's personally encountering barriers  
24 and experiencing "difficulty, discomfort or embarrassment" are false.  
25

26 **FIRST CAUSE OF ACTION**

27 **Racketeer Influenced and Corrupt Practices Act**

28 **DEFENDANT'S ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES, PRAYER FOR RELIEF, AND 12  
DEMAND FOR JURY TRIAL; COUNTERCLAIM FOR DECLARATORY RELIEF, INJUNCTION AND  
DAMAGES PURSUANT TO THE RACKETEER INFLUENCED AND CORRUPT PRACTICES ACT**

1 **18 U.S.C. §§ 1961 (1) (B), 1962 (c) and (d), 1964 (a) and (c), 1341 and 1343**

2 **As to all Plaintiffs**

3 22. Defendants are informed and believe, and thereon allege, that all named and DOE Plaintiffs  
4 have engaged in a pattern of fraud and deception by participating in the preparation, drafting, filing  
5 and prosecution of ADA lawsuits based on falsities in verified complaints in violation of the  
6 Racketeer Influenced and Corrupt Practices Act ("RICO").

8 23. Defendants are informed and believe, and thereon allege, that all named and DOE Plaintiffs  
9 have participated, and continue to participate, in a racketeering enterprise (the "Enterprise"), as  
10 defined in 18 U.S.C. § 1961 (4) by the forming of a "group of individuals associated-in-fact" to  
11 create schemes to defraud the public, and specifically to defraud Defendants as alleged herein.

13 24. Defendants are informed and believe, and thereon allege, that the racketeering Enterprise  
14 advanced and further promoted the Plaintiffs' wrongful acts and unlawful activities by unlawfully  
15 initiating, prosecuting and supporting false claims thereby deriving income directly or indirectly  
16 from a closed end pattern of criminal acts, constituting a racketeering activity.

18 25. Defendants are informed and believe, and thereon allege, that Plaintiffs knew, or should have  
19 known, of the closed end patterns of racketeering activities at the hands of those individuals  
20 involved in the association-in-fact enterprise, and with said knowledge accepted and received from  
21 the association-in-fact enterprise income derived from the closed-end criminal acts that formed a  
22 pattern of racketeering activities.

24 26. Defendants are informed and believe, and thereon allege, that Plaintiffs are operating and  
25 benefiting with the income derived directly or indirectly from closed-end criminal acts that formed  
26 a pattern of racketeering activities and continues in an open-ended pattern of carrying on with the  
27 specified unlawful activities which affect interstate commerce.

1 27. Defendants are informed and believe, and thereon allege, that the unlawful activities promoted  
2 and advanced by the group of individuals associated in fact constitute criminal acts or predicate  
3 acts that advanced a pattern of racketeering activities as defined, and in violation of 18 U.S.C. §§  
4 1341 and 1343 (relating to mail and wire fraud), as alleged herein, and by operating, managing or  
5 otherwise being actively involved by aiding and abetting in the enterprise through open-ended  
6 patterns of criminal acts which constitutes racketeering activities in conspiring schemes designed to  
7 defraud the public, and principally to defraud Defendants, all in violation of 18 U.S.C. § 1962 (c)  
8 and (d) as alleged herein.

10 28. Defendants are informed and believe, and thereon allege, that violation of 18 U.S.C. §§ 1961  
11 (1) (B), 1962 (c) and (d), 1341 and 1343 continues to this day on an open-ended pattern of criminal  
12 acts by the actions of the Enterprise in using the U.S. Mail, telephone and internet services to  
13 transfer information that is fraudulent by means of a closed-end pattern of racketeering by Plaintiffs  
14 which constitutes an unlawful activity and an advancement of the racketeering Enterprise.

16 29. Defendants are informed and believe, and thereon allege, that commencing in approximately  
17 2010 to the present, all named Plaintiffs devised a scheme or artifice to defraud the public, and  
18 principally, to defraud Defendants of money and property by means of false or fraudulent pretenses  
19 and representations.

21 30. Defendants are informed and believe, and thereon allege, that Plaintiffs, in their roles and  
22 involvement as alleged in this Complaint, periodically used the U.S. Mail to submit receipts,  
23 reports, signatures, verifications, declarations, complaints, discovery, correspondence, and other  
24 documents containing false information ("Sham Documents") related to the litigation being  
25 prosecuted. Defendants are informed and believe, and thereon allege, that the U.S. Mail was used  
26

1 to submit the Sham Documents to each other, to all parties, to the Court, and to other members of  
2 the public in the course of litigating and prosecuting ADA cases.

3 31. Defendants are informed and believe, and thereon allege, that the contents of the Sham  
4 Documents contained false statements in violation of law. Defendants are informed and believe,  
5 and thereon allege, that the Sham Documents, at a minimum, included information that was used to  
6 falsely establish Plaintiff James Rutherford's visits to the facilities being sued, the existence and  
7 encounter of barriers, and intent to return in a sham effort to establish standing under the ADA.

8 32. Defendants are informed and believe, and thereon allege, that the false or fraudulent pretenses  
9 and representations were ultimately delivered to Defendant and the court through periodic  
10 documents or correspondence.  
11

12 33. Defendants are informed and believe, and thereon allege, that Plaintiffs prepared the Sham  
13 Documents that contained the false pretenses and representations and submitted and delivered said  
14 Sham Documents to each other, Defendants, and the court by placing a true copy of the Sham  
15 Document in a sealed envelope addressed to one or more of Defendants, Plaintiff's counsel, and the  
16 court.  
17

18 34. Defendants are informed and believe, and thereon allege, that Plaintiffs then placed the  
19 envelope(s) for collection and processing for mailing in their normal course of business in which  
20 Plaintiffs were familiar, the documents were then placed for collection and mailing and deposited  
21 in the ordinary course of business with the United States Postal Services, with postage fully  
22 prepaid. Defendants are informed and believe, and thereon allege, that Plaintiffs and each of them  
23 used the United States Postal Service to perpetrate their fraudulent schemes, all in violation of Title  
24 18 U.S.C. §§ 1961 (1) (B), 1962 (c) and (d), and 1341.  
25  
26  
27  
28



1 35. Defendants are informed and believe, and thereon allege, that violation of 18 U.S.C. § 1341 for  
2 mail fraud continues to this day on an open-ended pattern of criminal acts by the actions of the  
3 Enterprise in using the U.S. Mail to transfer information that is fraudulent by means of a closed-end  
4 pattern of racketeering by Plaintiffs which constitutes an unlawful activity and an advancement of  
5 the racketeering Enterprise.  
6

7 **Enterprise deprived Defendants of monies in violation of 18 U.S.C. §§ 1961 (1) (B), 1962 (c)**  
8 **and (d), 1964 (c), 1341, and 1343.**

9 36. The named and DOE Plaintiffs, and each of them, are each jointly and severally liable to  
10 Defendants for damages, costs and attorney's fees as alleged herein.  
11

12 37. As a direct and proximate result of the actions of Plaintiffs and each of them, Defendants have  
13 been damaged (including general and consequential damages) in an amount to be determined at  
14 trial, which includes, but is not limited to, financial losses and damages incurred as a result of  
15 Plaintiffs' fraud.  
16

17 38. As a further direct and proximate result of the actions of Plaintiffs and each of them per law,  
18 Defendants are entitled to triple damages for all harm caused to them.

19 39. As a further direct and proximate result of the actions of Plaintiffs and each of them, due to  
20 their willful, malicious, despicable, fraudulent and unlawful actions, Defendants request exemplary  
21 damages in the form of punitive damages in an amount according to proof at the time of trial.  
22

23 40. As a further direct and proximate result of the actions of Plaintiffs' acts, Defendants are entitled  
24 to interest on all consequential and general damages at the legal rate of 10% per annum, until  
25 judgment is collected, should Defendant prevail in this immediate action.

26 41. As a further direct and proximate result of Plaintiffs' acts, Defendants are entitled to costs and  
27 reasonable attorney's fees according to proof at the time of trial for prosecuting this action.  
28



1 42. And for that other and further relief the Court may deem just and proper.

2 **PRAYER**

3 WHEREFORE Defendants seek judgment be entered in favor of Defendants and against Plaintiffs,  
4 and each of them, as follows:

5  
6 1. Declaration that the conspiracy, and the conduct in furtherance of the conspiracy, between the  
7 Plaintiffs violate 18 U.S.C., § 1962 (c);

8 2. Declaration that the conspiracy, and the conduct in furtherance of the conspiracy, between the  
9 Plaintiffs violate 18 U.S.C., § 1962 (d);

10 3. Declaration that the conspiracy, and the conduct in furtherance of the conspiracy, between the  
11 Plaintiffs violate 18 U.S.C., § 1341;

12 4. Declaration that the conspiracy, and the conduct in furtherance of the conspiracy, between the  
13 Plaintiffs violate 18 U.S.C., § 1343;

14 5. Enjoining Plaintiffs, and each of them, pursuant to 18 U.S.C., § 1964 (a) from further violations  
15 of 18 U.S.C., § 1962 by issuing appropriate orders, including, but not limited to: (1) ordering  
16 divestment of any interest, direct or indirect, in any enterprise; (2) imposing reasonable restrictions  
17 on the future activities or investments of any person, including, but not limited to, prohibiting any  
18 person from engaging in the same type of endeavor as the enterprise engaged in; and (3) ordering  
19 dissolution or reorganization of any enterprise;

20 6. Defendants are entitled to general damages according to proof at trial;

21 7. Defendants are entitled to consequential damages according to proof at the time of trial;

22 8. Defendants are entitled to treble damages as provided in 18 U.S.C. § 1964 (c) in an amount to be  
23 proved at time of trial;

1 9. Defendants are entitled to damages in the form of interest at the legal rate of 10% interest per  
2 annum on all general and consequential damages according to proof at time of trial;

3 10. Defendants are entitled to costs and attorney's fees; and

4 11. Defendants are entitled to any other amounts which the Court deems proper and just.  
5

6  
7 DATED: November 27, 2018

8 KAMALEDDIN ABDOLRAHIMI

9 MARY VOSOUGHI

10  
11  
12 /s/ Kamaledin Abdolrahimi

13 Kamaledin Abdolrahimi

14 Mary Vosoughi

15 Co-owners of the Property

16 Pro se Defendants  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **PROOF OF SERVICE**

2

3 I, Kamaleddin Abdolrahim (name), declare as follows. I am over the  
 4 age of 18 years. My address is:

5 1580 Crestview Rd  
 6 Redlands CA 92371  
 7 (909) 709 8889

8

9 On 11/30/18 (date), I served the foregoing document described  
 10 as:

11 Defendant's Answer to Complaint.  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_

14

15 on all interested parties in this action by placing a true and correct copy thereof in a  
 16 sealed envelope, with first-class postage prepaid thereon, and deposited said  
 17 envelope in the United States mail Anaheim, addressed  
 18 to: (place of mailing)

19 Graig G. Cote, (name)  
Manning Law APC (name)  
 20 4667 MacArthur Blvd Suite 150 (address)  
 21 New Port Beach CA 92660 (address)

22

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on 11/30/18 (date) at Santa Ana (place of signing)

25

26 K. Abdolrahim (signature)  
 27 K. Abdolrahim (name)  
 28